

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DARRYL ORRIN BAKER

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:19CV789-KS-RPM

WAL-MART STORES EAST

DEFENDANT

ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte*. On October 23, 2019, Plaintiff Darryl Orrin Baker, who is proceeding *pro se*, filed a civil rights complaint alleging racial discrimination in connection with car repairs made on his 2010 Buick LaCross at the Wal-Mart in Gulfport, Mississippi. On June 17, 2020, the Court entered a case management order setting various deadlines and hearings. Doc. [21]. Included in these deadlines, the Court set a settlement conference for May 18, 2021 at 9:30 a.m. in Gulfport, Mississippi. *Id.* at 5. The order required the parties to notify the Court at least seven days prior to the conference if either party believed the conference should be cancelled. *Ibid.* On March 23, 2021, the Court mailed Plaintiff a notice of calendar setting reminding him of the scheduled settlement conference. Notice of Calendar Setting (3/23/2021). The notice also reminded the parties that confidential settlement memoranda should be submitted to the Court seven days prior to the conference.

The Court, having not received a confidential settlement memorandum from Plaintiff, contacted him via e-mail on Wednesday, May 12, 2021, and again on Friday, May 14, 2021, requesting that he submit his memo and reminding him to appear in-person for the settlement conference. On Friday, May 14, 2021, the Court received via FedEx correspondence from Plaintiff stating that he would not be attending the settlement conference because of an unspecified “family crisis”. The correspondence was post-marked May 13, 2021. The Court

then set a telephone conference on Monday, May 17, 2021, to discuss whether the settlement conference would proceed as scheduled and to question Plaintiff regarding his availability for the settlement conference. Notice of Hearing (5/17/2021). Counsel for Defendant was instructed to initiate the telephone call and to include Plaintiff on the call. *Ibid.* Counsel for Defendant and chambers' staff both attempted unsuccessfully to contact Plaintiff in an effort to enlist his participation in the telephone conference. Unable to communicate with Plaintiff, the Court ultimately cancelled the settlement conference. Text Only Order (5/17/2021).

Based on the foregoing, Plaintiff is directed to appear before the undersigned for an in-person hearing on **Wednesday, June 2, 2021 at 1:30 p.m.** in Gulfport, Mississippi (Courtroom 683) to show cause why he should not be held in contempt for his failure to appear for the scheduled settlement conference. **Plaintiff is cautioned that failure to appear and/or failure to comply with the Court's orders may result in sanctions up to and including dismissal of his lawsuit.** The Court will re-schedule the in-person settlement conference to follow immediately on Wednesday, June 2, 2021 at 2:00 p.m.

SO ORDERED AND ADJUDGED, this the 19th day of May 2021.

/s/ Robert P. Myers, Jr.

ROBERT P. MYERS, JR.

UNITED STATES MAGISTRATE JUDGE